

First Office Action

1. In claim 1, the statement “so that said second memory endless-records the audio data instead of said first memory which endless-records, as the conversation content, the audio data until then” is not smooth, resulting in an unclear protection scope of the claim, which is not in conformity with the relevant provision of Rule 20, para. 1 of the Implementing Regulations of the Patent Law. If according to what is stated in the description, it should be understood as: so that said second memory endless-records the audio data as the conversation content, using the audio data of the new conversation content to replace the previously-recorded old audio data. The following examination is conducted on this basis:

Claim 1 claims a portable phone having a recording function for recording audio data during telephone conversation. Ref. 1 (CN1131857A) discloses an automatic telephone answering apparatus comprising the following technical features (see page 5, lines 4-17, page 8, para. 4 of the description; claims 7-8; Figs. 1-2 of the reference): a memory 5, each memory is for recording, as a conversation content, the audio data during the telephone conversation; a control portion (equivalent to the switching unit in claim 1) for switching a first memory to a second memory, the second memory is used for recording the audio

data until then; a sound reproducing circuit (equivalent to the reproducing unit in claim 1) for reproducing the conversation content recorded in the memory. Claim 1 also states about a second memory using the audio data of the new conversation content to replace the previously-recorded old audio data. Using the erasability function of random access memory to update the data required for recording belongs to the publicly-known general knowledge of the field. Thus, it is obvious to those skilled in the art to obtain the technical solution claimed in claim 1 on the basis of ref. 1, so claim 1 is not in conformity with the provision on inventiveness of Art. 22, para. 3 of the Patent Law over ref. 1.

2. The contents in the characterizing portion of claim 2 are also disclosed in ref. 1 (ibid.): the memory 5 is constituted by a plurality of memory areas, said memory areas being capable of individually recording the audio data. Thus, when claim 1 it refers to has no inventiveness, claim 2 is not in conformity with the provision on inventiveness of Art. 22, para. 3 of the Patent Law over ref. 1 either.

3. The contents in the characterizing portion of claim 3 are also disclosed in ref. 1 (see page 5, lines 4-17, page 13, para. 1 from the bottom to page 14, para. 1 of the description): the operation keys of the operating portion 12 for operating the reproducing unit to reproduce the audio data, and

reproducing the incoming message stored from the starting addresses. Thus, when claim 1 it refers to has no inventiveness, claim 3 is not in conformity with the provision on inventiveness of Art. 22, para. 3 of the Patent Law over ref. 1 either.

For the above reasons, no patent right can be granted to this application on the basis of the current text. There are no patentable substantive contents disclosed in the description of this application. If the applicant cannot provide convincing reasons within the time limit of four months for response specified in this Office Action, or the amended text still has the defect of not conforming with the Patent Law and its Implementing Regulations, this application will be rejected.

CPEL0154315

Patent Office of the People's Republic of China

Address : Receiving Section of the Chinese Patent Office, No. 6 Tucheng Road West, Haidian District, Beijing. Postal code: 100088

Applicant	NEC CORPORATION			Seal of Examiner	Date of Issue
Agent	China Patent Agent (H.K.) Ltd.				April 30, 2003
Patent Application No.	01133893.8	Application Date	November 27, 2001	Exam Dept.	
Title of Invention	PORTABLE PHONE HAVING RECORDING FUNCTION FOR RECORDING CALL-AUDIO WITH USING THE MINIMUM CAPACITY OF MEMORY				

First Office Action

1. ☒ Pursuant to the provision of Article 35 (1) of the Chinese Patent Law, the examiner made an examination as to substance of the captioned patent application for invention upon the request for substantive examination.
- ☐ Pursuant to the provision of Article 35 (2) of the Chinese Patent Law, the Chinese Patent Office has decided to conduct on its own initiative an examination as to substance of the captioned patent application for invention.
2. ☒ The applicant requests taking the filing date, November 27, 2000, at the JP Patent Office, the filing date, _____, at the Patent Office, the filing date, _____, at the _____ Patent Office as the priority date of the present application.
 - ☒ A copy of the first filed patent application certified by the receiving organ of the initial country of filing has been submitted by the applicant.
 - ☐ A copy of the first filed patent application certified by the receiving organ of the initial country of filing has not been submitted by the applicant. Pursuant to the provision of Article 30 of the Chinese Patent Law, no priority right shall be deemed to have been claimed.
3. ☐ The applicant filed amended application document(s) on _____ and _____.
 - ☐ Examination has confirmed that _____ filed on _____ cannot be accepted, _____ filed on _____ cannot be accepted, as the above amendment(s) ☐ is/are not in conformity with the provision of Article 33 of the Chinese Patent Law.
 - ☐ is/are not in conformity with the provision of Rule 51 of the Implementing Regulations of the Chinese Patent Law.
 - ☐ For the specific reason that the amendment(s) cannot be accepted, see the text of the Office Action.

4. ☒ The examination is conducted in the light of the original application document(s)
☐ The examination is conducted in the light of the following application document(s):
in the original application documents submitted on the filing date:
Claim(s) _____, page(s) _____ of the description, Figure(s)
of the drawing(s); Claim(s) _____, page(s) _____ of the description,
Figure(s) _____ submitted on _____; Claim(s) _____, page (s)
of the description, Figure(s) _____ submitted on _____
☐ Abstract of the description submitted on _____.
5. ☐ The present Office Action has been prepared without a search having been conducted.
☒ The present Office Action has been prepared with a search having been conducted.
☒ The following reference document(s) is/are cited in this Office Action (its/their serial number(s) will, continue to be used throughout the examination procedure):

No.	Number or Title of Document	Date of Publication (or filing date of interfering application)
1	CN-1131857A	(Date): September 25, 1996
2		(Date)
3		(Date)
4		
5		
6		

6. The concluding comments of the examiner are:

- ☐ On the description:
- ☐ The content of the application comes within the scope where no patent right is granted as provided in Article 5 of the Patent Law.
 - ☐ The description is not in conformity with the provision of Article 26(3) of the Patent Law.
 - ☐ The drafting of the description is not in conformity with the provision of Rule 18 of the Implementing Regulations.
- ☒ On the claims:
- ☐ Claim comes within the scope where no patent right is granted as provided in Article 25 of the Patent Law.
 - ☐ Claim is not in conformity with the definition of invention in Rule 2(1) of the Implementing Regulations.
 - ☐ Claim _____ does not possess novelty as provided in Article 22(2) of the Patent Law.
 - ☒ Claim 1-3 does not possess inventiveness as provided in Article 22(3) of the Patent Law.
 - ☐ Claim _____ does not possess practical applicability as provided in Article 22(4) of the Patent Law.
 - ☐ Claim _____ is not in conformity with the provision of Article 26(4) of the Patent

Law.

- ☐ Claim _____ is not in conformity with the provision of Article 31(1) of the Patent Law.
- ☐ Claim _____ is not in conformity with the provisions of Rules 20-23 of the Implementing Regulations.
- ☐ Claim _____ is not in conformity with the provision of Article 9 of the Patent Law.
- ☐ Claim _____ is not in conformity of the provision of Rule 12(1) of the Implementing Regulations.

For specific analyses of the above concluding comments, see the text of this Office Action.

7. In view of the above concluding comments, the examiner holds that:

- ☐ The applicant should amend the application document in accordance with the requirements raised in the text of this Office Action. The amended document(s) should be submitted in duplicate and should conform to the provisions of Article 33 of the Patent Law and Rule 51 of the Implementing Regulations of the Chinese Patent Law.
- ☐ The applicant should expound in his Observations the reasons why the captioned patent application is patentable and amend the places not conforming to regulations as pointed out in the text of the Office Action, otherwise it would be impossible for the patent right to be granted.
- ☒ The captioned patent application contains no substantive content for which the patent right may be granted, thus if the applicant has not advanced his reasons or has not done so adequately, the application will be rejected.

8. The applicant should pay attention to the following matters:

- (1) In accordance with the provision of Article 37 of the Patent Law, the applicant should submit his/its Observations within **four** months from the date of receipt of this Office Action; if, without any justified reason, the time limit for making response is not met, the application will be deemed to have been withdrawn.
- (2) The amendments made by the applicant to his application should conform to the provision of Article 33 of the Patent Law, the amended text should be in duplicate and the format should conform to the relevant provisions of the Guidelines for Examination.
- (3) The applicant's Observations or amended text should be mailed or presented to the Receiving Section of the Chinese Patent Office. Document not mailed or presented to the Acceptance Section have no legal force.
- (4) Without making an appointment, the applicant and/or agent may not come to the Chinese Patent Office to hold an interview with the examiner.

9. This Office Action consists of the text portion totalling 2 page(s) and of the following annex(es):

- ☒ 1 duplicate copies of the reference document(s) cited totalling 27 page(s).
- ☐
- ☐